

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

Michael Grant,

No. 9:03-CV-0539 (PAM/RFT)

Plaintiff,

v.

**ORDER**

Frank Headley,

Defendant.

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This matter is before the Court on Plaintiff's Motion for a Certificate of Appealability.

Plaintiff brought this case under 42 U.S.C. § 1983, and thus, he does not require a certificate of appealability in order to appeal. See 28 U.S.C. § 2253(c)(1). Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff's Motion for a Certificate of Appealability (Docket No. 99) is **DENIED as moot**.

Dated: August 6, 2006

s/ Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge